

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

MODIFIED PLAN

CHAPTER 13 PLAN

In Re: FAIR, Steven Roy

Dated: 9/8/04

DEBTOR

*In a joint case,
debtor means debtors in this plan.*

Case No. 04-34521

1. PAYMENTS BY DEBTOR —

- a. As of the date of this plan, the debtor has paid the trustee \$ -0-.
- b. After the date of this plan, the debtor will pay the trustee \$ 750 per month for 36 months, beginning within 30 days after the filing of this plan for a total of \$ 27,000.
- c. The debtor will also pay the trustee _____
- d. The debtor will pay the trustee a total of \$ 27,000 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$ 2,700 [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

3. PRIORITY CLAIMS — The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

	<i>Estimated</i>	<i>Monthly</i>	<i>Beginning in</i>	<i>Number of</i>	<i>TOTAL</i>
<i>Creditor</i>	<i>Claim</i>	<i>Payment</i>	<i>Month #</i>	<i>Payments</i>	<i>PAYMENTS</i>
a. Attorney Fees	\$ <u>1,250</u>	\$ <u>400</u>	<u>1</u>	<u>until pd</u>	\$ <u>1,250</u>
b. Internal Revenue Serv.	\$ <u>1,200</u>	\$ <u>500</u>	<u>2</u>	<u>until pd.</u>	\$ <u>1,200</u>
c. Minn. Dept of Revenue	\$ <u>470</u>	\$ <u>235</u>	<u>27</u>	<u>until pd.</u>	\$ <u>470</u>
d. _____	\$ _____	\$ _____	_____	_____	\$ _____
e. TOTAL					\$ <u>2,920</u>

4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT — The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a. River Finance, Wells Fargo Mortgage
- b. _____

5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] — The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

	<i>Amount of</i>	<i>Monthly</i>	<i>Beginning in</i>	<i>Number of</i>	<i>TOTAL</i>
<i>Creditor</i>	<i>Default</i>	<i>Payment</i>	<i>Month #</i>	<i>Payments</i>	<i>PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL					\$ _____

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT** [§ 1322 (b)(5)] – The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL					\$ _____

7. **OTHER SECURED CLAIMS** [§ 1325 (a)(5)] – The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 7.5 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. **NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).**

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. GMAC	\$ 11,000	\$ 8,000	\$ 350	1	until pd.	\$ 9,000
b. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL						\$ 9,000

8. **SEPARATE CLASS OF UNSECURED CREDITORS** – In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows: _____.

- a. The debtor estimates that the total claims in this class are \$ _____.
- b. The trustee will pay this class \$ _____.

9. **TIMELY FILED UNSECURED CREDITORS** – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 12,380 [line 1(d) minus lines 2, 3(c), 5(d), 6(d), 7(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ 3,000.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ 40,137.
- c. Total estimated unsecured claims are \$ 40,137 [line 9(a) + line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS** – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 8, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

11. **OTHER PROVISIONS** – The trustee may distribute any funds that are not allocated above at his discretion. To the extent that Child Support is an unsecured claim for AFDC reimbursement, it shall be designated a separate class and paid in full before all other general unsecured claims. Any claim arising from the termination of a lease or long term secured claim after the commencement of the case shall be treated as an unsecured claim herein and the claimant shall be entitled to file an unsecured claim herein. Real estate taxes shall be treated as a priority claim.

12. **SUMMARY OF PAYMENTS** –

Trustee's Fee [Line 2]	\$ 2,700
Priority Claims [Line 3(e)]	\$ 2,920
Home Mortgage Defaults [Line 5(d)]	\$ _____
Long-Term Debt Defaults [Line 6(d)]	\$ _____
Other Secured Claims [Line 7(d)]	\$ 9,000
Separate Class [Line 8(b)]	\$ _____
Unsecured Creditors [Line 9(c)]	\$ 12,380
TOTAL [must equal Line 1(d)]	\$ 27,000

DEBTOR

Signed

Steven R Fair

Signed

DEBTOR (if joint case)

MALIN D. GREENBERG

ROBERT GREENBERG

SUITE 1025 INTERCHANGE TOWER

600 SOUTH HIGHWAY 169

ST. LOUIS PARK, MN 55426

TELEPHONE: (952) 545-1621

FAX: (952) 746-4705

September 8, 2004

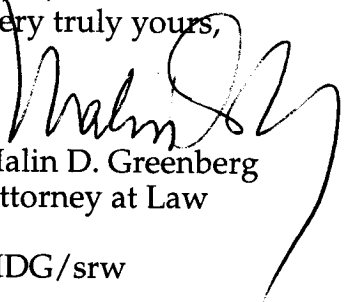
U.S. Trustees Office
1015 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415

Re: Steven Roy Fair
Bkcy. No.: 04-34521

To Whom It May Concern:

Please be advised that the Preconfirmation Modification of Chapter 13 Plan will be heard on September 23, 2004 at 9:30 a.m. in US Bankruptcy Court, US Courthouse Room 228C, 316 N. Robert Street, St. Paul, MN.

Very truly yours,



Malin D. Greenberg
Attorney at Law

MDG/srw

Cc: Jasmine Z. Keller
12 S. 6th Street, Ste. 310
Minneapolis, MN 55402

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Steven Roy Fair

**UNSWORN DECLARATION
FOR PROOF OF SERVICE**

Debtor(s)

BKY NO. 04-34521

Sandra R. Walker employed by Malin D. Greenberg at the address of 1025 Interchange Tower, 600 South Highway 169, St. Louis Park, Minnesota, declares and says that on September 8, 2004 she served the attached Preconfirmation Modification of Chapter 13 Plan upon the following parties by placing a true and correct copy thereof in an envelope and depositing same, with postage prepaid, in the U.S. Mail at St. Louis Park, Minnesota, addressed as follows:

U.S. Trustees Office
1015 U.S. Courthouse
300 S. 4th St.
Minneapolis, MN 55415

U.S. Bankruptcy Court
U.S. Courthouse Room 228C
316 N. Robert Street
St. Paul, MN 55101

Jasmine Z. Keller
12 S. 6th Street, Ste. 310
Minneapolis, MN 55402

See Attached List

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed:

9/8/04

Signed:

Sandra Walker

BENEFICIAL
PO 4153
CAROL STREAM, IL 60197-4153

CONSOLIDATED CREDIT SERVICES
5701 W. SUNRISE BLVD,
FORT LAUDERDALE, FL 33313

GMAC
PO BOX 5180
CAROL STREAM, IL 60197-5180

HOUSEHOLD BANK
PO 4144
CAROL STREAM, IL 60197-4144

IRS
PO 660169
DALLAS, TX 75266-0169

MBNA
PO 15287
WILMINGTON, DE 19886-5287

MERCHANTS BANK
PO 519
HASTINGS, MN 55033

MN DEPT OF REVENUE
PO BOX 64447/551, BKCYS SECT.
ST. PAUL, MN 55146

MN HIGHER EDUCATION SERVICES
1450 ENERGY PARK DRIVE STW, 249
ST. PAUL, MN 55108

RELIABLE MEDICAL SUPPLY
7111 WEST BROADWAY
BROOKLYN PARK, MN 55428

RIVER FINANCE
PO 35
HASTINGS, MN 55033

WELLS FARGO
PO 14547
DES MOINES, IA 50306-3547

WELLS FARGO
PO 514
MINNEAPOLIS, MN 55479

WELLS FARGO
PO 10347
DES MOINES, IA 50306

WELLS FARGO FINANCIAL
PO 98796
LAS VEGAS, NV 89193-8796